

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
TAKEDA CHEMICAL INDUSTRIES, LTD. and :  
TAKEDA PHARMACEUTICALS, NORTH AMERICA, :  
INC., :

Plaintiffs, :

-v- :

MYLAN LABORATORIES, INC. and UDL :  
LABORATORIES, INC., :

Defendants. :  
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03 CIV. 8253 (DLC)

ORDER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/19/09</u>
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DENISE COTE, District Judge:

As set forth at the pretrial conference held on February 6, 2009, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. The parties shall comply with their Rule 26(a)(1), Fed.R.Civ.P., initial disclosure obligations by **March 5, 2009**.
2. The defendants must provide notice to the plaintiffs by **July 10, 2009** of any intent to assert in this litigation that they relied on advice of counsel.
3. All fact discovery must be completed by **October 1, 2009**.
4. Expert reports and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed.R.Civ.P., by the party bearing the burden on an issue must be served by **December 15, 2009**. Identification of rebuttal experts and disclosure of their expert testimony must occur by **January 22, 2010**.
5. All expert discovery must be completed by **February 22, 2010**.
6. The Joint Pretrial Order must be filed by **March 22, 2010**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with a one (1) courtesy copy of all these documents at the time they are served, as well as one set of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labelled with the exhibit numbers and placed in a suitable container or box for ready reference.

7. Any motions in limine shall be served by **March 22, 2010**; opposition shall be served by **March 29**; and the reply shall be served by **April 1**.
8. The final pretrial conference is scheduled for **April 16, 2010 at 2 p.m.** in Courtroom 11B, 500 Pearl Street.

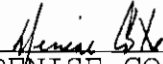
IT IS HEREBY ORDERED that the trial will begin at **9:30 a.m.** on **April 26, 2010**.

IT IS FURTHER ORDERED that the following procedures shall govern the conduct of the trial.

1. All exhibits must be pre-marked.
2. At the start of the trial each party will present the Court with three copies of a complete exhibit list. The exhibits should include expert reports, and any charts or summaries of evidence.
3. Counsel should be available every day at 9:00 a.m. (except for the first day of trial) in order to discuss with the Court any legal or evidentiary issues expected to arise during the day.

4. Testimony will generally be taken between 9:30 and 5:00 from Monday through Thursday. There will be a mid-morning, a mid-afternoon and a lunch break from 12:45 to 2:00 p.m.
5. Counsel should make certain that they have custody of all original exhibits. The Court does not retain them and the Clerk is not responsible for them.

Dated: New York, New York  
February 18, 2009

  
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DENISE COTE  
United States District Judge